

HON. THOMAS S. ZILLY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FAIR HOUSING CENTER OF
WASHINGTON,

Plaintiff,

v.

BREIR-SCHEETZ PROPERTIES, LLC, a
Washington corporation; and FREDERICK
BREIER-SCHEETZ, an individual,

Defendants.

NO: 2:16-cv-00922 TSZ

**DEFENDANTS' RESPONSE TO
PLAINTIFF'S PETITION FOR
ORDER TO SHOW CAUSE**

**NOTED ON
MOTION CALENDAR:
October 19, 2018**

Fair Housing Center of Washington (FHCW) bases its most recent effort to have the Court hold Defendants in contempt on an effort by a tester to rent a studio apartment for herself and her child at the Granada Apartments. That effort is the latest in a series of efforts by FHCW testers posing as single parents of a child to rent a studio apartment at the Granada Apartments. From that series one might infer that FHCW would not regard an occupancy limit of two persons applicable to the subject studio apartments to violate the Federal Housing Act. Yet, when given the opportunity at

1 trial to provide its opinion as to what occupancy limit at the Granada Apartments would not violate
 2 the Fair Housing Act, declined to opine. Further, the language of the Court's injunction issued against
 3 Defendants does not identify the minimum occupancy limit that would not run afoul of the FHA. C

4 Consequently, Defendants are concerned that if, for example, they were to implement a two-
 5 person per studio apartment occupancy policy, FHCW might well send testers posing as families of
 6 three persons to inquire about the availability of studios for rent at the Granada Apartments. Upon
 7 learning of the two-person per apartment rule, FHCW would then allege that the new occupancy
 8 policy also violates the FHA. Because FHCW has declined to specify a minimum occupancy policy
 9 that it believes is permissible under the FHA, Defendants do not know what FHCW's position is on
 10 the matter of a permissible occupancy limitation at the Granada Apartments. Regardless, as of
 11 October 15, 2018, Defendants are implementing a two-persons per studio occupancy policy for the
 12 subject studio apartments at the Granada Apartments. Hunter Dec. ¶2. Further, Defendants ask the
 13 Court to specify the limit on what the FHA permits Defendants to implement as an occupancy limit
 14 for those studio apartments.
 15

16 Dated this 15th day of October 2018.

17 GEORGE T. HUNTER ATTORNEY AT LAW

18
 19 By: s/George T. Hunter

20 George T. Hunter
 21 WSBA No. 14388
 22 5900 48th Ave. South
 23 Seattle, WA 98118
 24 Phone: 206.851.7700
 25 Email: gthunter7700@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jesse Wing
WSBA No. 27751
701 Second Avenue, Suite 1500
Seattle, WA 98104
Phone: 206.622.1604
FAX: 206.343.3961
Email: JesseW@MHB.com

Jeffrey L. Taren
WSBA No. 50275
701 Second Avenue, Suite 1500
Seattle, WA 98104
Phone: 206.622.1604
FAX: 206.343.3961
Email: JeffreyT@mhb.com

By: s/George T. Hunter
George T. Hunter
WSBA No. 14388
5900 48th Ave. South
Seattle, WA 98118
Phone: 206.851.7700
Email: gthunter7700@gmail.com